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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,104	03/19/2004	Jari Makinen	59643.00374	7097
32294 7590 10/01/2007 SQUIRE, SANDERS & DEMPSEY L.L.P. 14TH FLOOR 8000 TOWERS CRESCENT TYSONS CORNER, VA 22182			EXAMINER AZAD, ABUL K	
			ART UNIT 2626	PAPER NUMBER
			MAIL DATE 10/01/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/804,104

Applicant(s)

MAKINEN ET AL.

Examiner

ABUL K. AZAD

Art Unit

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Amendment***

1. This action is in response to the communication filed on July 18, 2007.
2. Claims 1-23 are pending in this action.
3. Applicant's arguments with respect to claims 1-23 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 2 and 4-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Wynn (US 5,708,754).

As per claim 1, Wynn teaches, "a method of encoding speech in a communications system", said method comprising the steps of:

"receiving a speech signal including voice signals and background signals" (col. 5, lines 1-3);

"detecting voice activity and providing an indicator when no voice activity is detected" (Fig. 3, element 25, col. 4, lines 7-46);

“encoding the speech signal to generate a plurality of parameters representing the signal” (col. 4, lines 58-67); and

“when the indicator is not present, outputting a first parametric representation of the speech signal comprising the plurality of parameters, and, when the indicator is present, modifying at least one of the plurality of parameters and outputting a second parametric representation of the speech signal including the modified parameter” (col. 4, lines 7-27).

As per claim 2, Wynn teaches, “wherein the plurality of parameters includes a linear prediction calculation vector of quantized linear prediction filter coefficients” (col. 5, lines 13-30).

As per claim 4, Wynn teaches, “wherein the plurality of parameters includes a residual vector” (col. 7, lines 1-5).

As per claim 5, Wynn teaches, “wherein the speech signal is received as a sequence of samples arranged in frames” (col. 7, lines 20-29).

As per claim 6, Wynn teaches, “wherein the step of modifying the at least one parameter includes smoothing the parameter for a current frame based on characteristics of the parameter in other frames of the speech signal” (col. 9, lines 20-44).

As per claim 7, Wynn teaches, “wherein said other frames include adjacent frames” (col. 20, lines 20-44).

As per claim 8, Wynn teaches, “wherein the step of modifying the at least one parameter includes producing a count of the number of received frames up to a

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predetermined maximum, and using said count in the modifying step" (col. 7, lines 45-67).

As per claim 9, Wynn teaches, "wherein the step of modifying at the least one parameter includes generating a randomized value for the parameter" (col. 8, lines 36-55).

As per claim 10, Wynn teaches, "wherein the step of modifying the at least one parameter includes taking into account the energy levels associated with the parameter" (col. 8, lines 36-55).

As per claim 11, Wynn teaches, "wherein the step of modifying the at least one parameter includes modifying a value utilized in the generation of the parameter, whereby modification of that value produces a modified parameter" (col. 9, lines 35-60).

As per claim 12, Wynn teaches, "wherein the step of modifying the value comprises randomizing the value" (col. 8, lines 36-55).

As per claims 13-22, they are interpreted and thus rejected for the same reasons set forth in the rejection of claims 1, 2 and 4-12.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wynn as applied to claim 1 above, and further in view of Su et al. (US 6,823,303).

As per claim 3, Wynn does not explicitly teach, "wherein the plurality includes a gain parameter based on open-loop lag value". However Su teaches, "wherein the plurality includes a gain parameter based on open-loop lag value" (col. 10, lines 10-16). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to calculate gain parameter based on open-loop lag value in the invention of Wynn because Su teaches in the fixed codbook search to find the optimum innovation (col. 10, lines 24-26).

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Abul K. Azad** whose telephone number is **(571) 272-7599**. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Patric Edouard**, can be reached at **(571) 272-7603**.

Any response to this action should be mailed to:

**Commissioner for Patents**

**P.O. Box 1450**

**Alexandria, VA 22313-1450**

Or faxed to: **(571) 273-8300**.

Hand-delivered responses should be brought to **401 Dulany Street, Alexandria, VA-22314** (Customer Service Window).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

September 27, 2007

A handwritten signature in black ink, appearing to read 'Ak. Azad', with a large, stylized flourish at the end.

Abul K. Azad  
Primary Examiner  
Art Unit 2626